

**From:** Neil Lynch  
**To:** Microsoft ATR  
**Date:** 12/6/01 2:42pm  
**Subject:** Microsoft settlement - not acceptable or effective

Gentlemen,

I am extremely disappointed with the settlement arranged with Microsoft.

In my opinion, the Microsoft settlement should be "cash to be used for Microsoft or competitive products at retail, single user license, prices." This levels the field where alternative products may be considered and provides the companies their highest markup - so they can not undermine the effort with a "special" deal.

The monetary settlement should only be part of a longer reaching change.

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When Coca Cola's was first introduced and was widely used, its secret ingredient was a narcotic. The product was addicting ,in that, if you ever started using it, you would not be able to function normally without it. "Pepsi just doesn't give you the same feeling."

When children first encounter a crack cocaine dealer, the first sample is "no charge".

When Microsoft provides software to schools, governments, and public institutions - Microsoft knows they will have to come back for more. If nothing else, Microsoft will change data formats to inhibit their ability to exchange information until they purchase the latest products. Their current licensing practices will inhibit the ability of these institutions to update their hardware.

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It took the government to make Coca Cola change its receipt. Simply extracting money would not have worked.

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If allowed to settle in the delivery of Microsoft products, the Microsoft \$1 Billion settlement will:

- 1) Cost Microsoft less than 10% of that amount
- 2) Lock the school systems into Microsoft products so that they will hereafter be purchasing "upgrades"
- 3) Lock out competitors and their products, effectively forever
- 4) Inhibit the school districts of considering alternatives, effectively forever.

Over the years, I have watched Microsoft effectively kill viable businesses that serviced the interests and needs of the public. (Artisoft, Borland, Coral, Sun, Apple, GEM, Netscape, etc.)

Over the years, I have watched Microsoft use its money (in the form of grants) to influence and inhibit access to alternative platforms (IE: UNIX) in the University Computer Science settings.

Over the years, I have watched Microsoft introduce products that only partially implement published industry standards and provide proprietary extensions that damage the public and industry in many facets.

Over the years, I have watched Microsoft introduce "updated" products that cause an entire business to have to update because of the data format incompatibilities they introduce.

Over the years, I have watched Microsoft re-introduce inferior implementations of existing technology, using different terms that already had well established industry standard terms. The effect is that they introduced a language barrier, alienated (and thus obsoleted) computer science and information systems professionals, thus creating a void that was partially satisfied with the H1B Visas (to replace displaced American workers).

Over the years I have watched Microsoft adopt and refine the "embrace and smother" and "financially exhaust a company in court rather than purchase or license their technology, trademarks, or patents" techniques.

I was a Channel Partner with Microsoft, a Solution Provider, a Certified Professional, etc. I carried

the Microsoft banner until I took time to examine their practices.

I now teach JAVA for IBM and Sun because it allows me to help the professionals that have been alienated by Microsoft to extend their skills in an industry standard and platform independent strategy. I have adopted a personal mission to help keep Americans employed, and to promote technologies that are very advantageous (cost, connectivity, broad skill base, etc).

I was dumbfounded and infuriated by Microsoft's effort to confuse, compromise, and corrupt the JAVA technology and to explicitly damage Sun Microsystems.

I am acutely aware that Fry's Electronic's in California stocked NO Sun Microsystems products immediately following Microsoft's loss to Sun in their JAVA lawsuit.

I was not able to purchase a retail competitive Internet Browser when I determined that Microsoft's Internet Explorer:

- 1) invariably connects to various nodes at microsoft.com and msn.com without user knowledge or consent (before your home page and between requests)
- 2) that the configuration option to disable "ieupdate" has no effect
- 3) that IE will not work if all communications to Microsoft and MSN are disabled
- 4) That even with cookies disabled, and no prior use IE still sent system or "cookie" like information to the Microsoft site - judging from the volume of bidirectional data transferred. This means that the Microsoft assimilates and sends personal system information without the knowledge or consent of the user.

The "XP" products have extended this practice even than I describe above.

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More specifically, Microsoft should not be able to

inject their systems and products into schools. The people should not accept a settlement that would force this to happen. The schools, however, should have the option to purchase Microsoft and any other products.

Sincerely,

Neil Lynch  
Saline, Michigan

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